

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George G. Mueller et al.
Serial No.: 10/810,481
Confirmation No.: 9785
Filed: March 26, 2004
For: MULTICOLORED LIGHTING METHOD AND
APPARATUS

Examiner: Haissa Philogene
Art Unit: 2821

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant would like to bring to the Examiner's attention the following co-pending application(s)/issued patent(s):

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Patent No.</u>	<u>Attv. Docket No.</u>
09/716,819	11/20/00	Ducharme et al.	7,014,336	C1104.70061US00
10/935,329	09/07/04	Ducharme		C1104.70038US01
10/705,643	11/10/03	Ducharme, et al.		C1104.70061US01
10/930,345	08/31/04	Ducharme, et al.		C1104.70061US02
11/322,891	12/30/05	Ducharme, et al.		C1104.70061US03
10/701,132	11/04/03	Mueller, et al.		C1104.70082US01
10/958,168	10/04/04	Mueller, et al.		C1104.70109US01
11/106,381	04/14/05	Piepgas, et al.		C1104.70110US01
11/224,683	09/12/05	Chemel, et al.		C1104.70141US01

The above-identified co-pending application(s)/issued patent(s) may include technically-related subject matter and/or claims that may be similar to the present application. In handling prosecution of the above-identified application(s)/patent(s), the Examiner(s) for these other application(s)/patent(s) presumably search(es) for relevant prior art, and in some circumstances may be taking positions about prior art which may show one or more features that are similar to at least some of the features recited in the claims of the present application.

Accordingly, the Examiner in the present application is requested to review the entire file history of the above-identified application(s)/patent(s), including the pending claims, cited references, Office Actions, Responses, etc., to see whether there is any information that the Examiner believes may be relevant to the prosecution of the present application. It is assumed that the Examiner has access to the file histories of each of the above-identified application(s)/patent(s). However, if the Examiner would like copies of any or all of the information included in the file history of any of the above-identified application(s)/patent(s), the

Examiner is asked to contact the undersigned representative. If the undersigned representative is not contacted by the Examiner with such a request, then the undersigned representative will assume that the Examiner has reviewed or will review the file history of the above-identified application(s)/patent(s).

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified PTO/SB/08):

At least some of the foreign patent documents indicated on the attached form PTO-1449 were cited in one or more oppositions filed against European Patent No. 1,234,140, which is assigned to the current assignee of the present application.

European Patent No. 1,234,140 is the European counterpart to U.S. application Serial No. 09/716,819, now U.S. Patent No. 7,014,336. European Patent No. 1,234,140 discloses subject matter at least generally related to the subject matter of the present application.

Applicants also make of record the following four oppositions filed to date against European Patent No. 1,234,140:

- Opposition Brief, May 8, 2006, by Osram GmbH, opposing European Patent No. 1234140, pp 1-21
- Opposition Brief, May 4, 2006, by Tridonic Atco GmbH and Co. KG, opposing European Patent No. 1234140, pp 1-21
- Opposition Brief, May 10, 2006, by ERCO Leuchten GmbH, opposing European Patent No. 1234140, pp 1-20
- Opposition Brief, May 10, 2006, by Koninklijke Philips Electronics N.V., opposing European Patent No. 1234140, pp 1-24

Applicants make no representation that the documents cited herein relating to the European oppositions provide information material to the examination of the present application. Applicants make these documents of record in the present application primarily for completeness to facilitate the Examiner's understanding of the nature of these oppositions. The Examiner is urged to form his or her own conclusion regarding the relevance of the information contained in these documents.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

Serial No.: 10/810,481
Conf. No.: 9785

- 5 -

Art Unit: 2821

An early and favorable action is hereby requested.

Respectfully submitted,

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Docket No.: C1104.70082US02
Date: August 7, 2006

FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/810,481	ATTY. DOCKET NO.: C1104,70082US02
				FILING DATE: March 26, 2004	CONFIRMATION NO.: 9785
				APPLICANT: George G. Mueller et al.	
				GROUP ART UNIT: 2821	EXAMINER: Haissa Philogene
Sheet	1	of	2		

U.S. PATENT DOCUMENTS

Examiner's Initials *	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		1324008		D'Huny	12/02/1919
		3201576		Scott	08/17/1965
		3696263		Wacher	10/03/1972
		4641227		Kusuhara	02/03/1987
		5060118		Penrod	10/22/1991
		5217285		Sopori	06/08/1993
		5384519		Gotoh	01/24/1995
		5515136		Nishio	05/07/1996
		5544037		Luger	08/06/1996
		5707139		Haitz	01/13/1998
		5806965		Deese	09/15/1998
		5982957		DeCaro	11/09/1999
		6161941		Tait	12/19/2000
		6252254		Soules	06/26/2001
		6259430		Riddle et al.	07/10/2001
		6508564		Kuwabara et al.	01/21/2003

FOREIGN PATENT DOCUMENTS

Examiner's Initials *	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
		CH	253968		Herzer	12/01/1948	Y
		DE	29620583	U1	Kundisch Microtech GmbH	03/27/1997	Y
		EP	0490329	A1	Tridonic Bauelemente GmbH	06/17/1992	N
		EP	0689373	A2	Tridonic Bauelemente GmbH	12/27/1995	N
		EP	0701390	A2	Tridonic Bauelemente GmbH	03/13/1996	Y
		EP	0639938	A1	Tridonic Bauelemente GmbH	02/22/1995	Y - (See US5544037)
		DE	20007134	U1	Patent-Treuhand-Gesellschaft GmbH	09/21/2000	Y

FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT	APPLICATION NO.: 10/810,481	ATTY. DOCKET NO.: C1104.70082US02
	FILING DATE: March 26, 2004	CONFIRMATION NO.: 9785
	APPLICANT: George G. Mueller et al.	
	GROUP ART UNIT: 2828	EXAMINER: Haissa Philogene

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials *	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		MUNCH, W., "Fortschritte in der Bewertung der Farbwiedergabe durch Lichtquellen." Tagungsbericht über das IV. Internationale Kolloquium an der Hochschule für Elektronik Ilmenau, October 1959	Y
		BASS, M., "Handbook of Optics," McGraw Hill, USA, 1995, page 26.33	
		GIRARDET, V. W., "Handbuch für Beleuchtung," Essen, Germany 1975	Y
		GANSLANDT et al., "Handbuch der Lichtplanung," Vieweg + Sohn, Wiesbaden, 1992	Y
		NAKAMURA, S., "The Blue Laser Diode," Seiten 7-10, pp 216-221, Springer Verlag, Berlin, Germany, 1997	
		Opposition Brief, May 8, 2006, by Osram GmbH, opposing European Patent No. 1234140, pp 1-21	Y
		Opposition Brief, May 4, 2006, by Tridonic Atco GmbH and Co. KG, opposing European Patent No. 1234140, pp 1-21	
		Opposition Brief, May 10, 2006, by ERCO Leuchten GmbH, opposing European Patent No. 1234140, pp 1-20	Y
		Opposition Brief, May 10, 2006, by Koninkljkje Philips Electronics N.V., opposing European Patent No. 1234140, pp 1-24	

EXAMINER:	DATE CONSIDERED:
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 12870G163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.